

Missoula County Trespass Policy

Purpose

This policy establishes Missoula County's authority and procedures for issuing no-trespass notices barring individuals from county-owned and county-leased buildings and properties. It outlines when such notices may be issued, required documentation, notice contents, law enforcement involvement, the appeal process, and the roles and responsibilities of county personnel.

Scope

This policy applies to all Missoula County departments, offices, and entities and covers all county-owned and county-leased buildings, facilities, grounds, and properties. This includes administrative offices, courthouses, parks, fairgrounds, parking areas, and any real property under county jurisdiction or control. The Missoula County Library is exempt and operates under a library-specific policy.

Administration

The Missoula County Board of County Commissioners holds authority over county property. The Board delegates to Department Heads, Chief Officers, Elected Officials, and their designees the authority to issue no-trespass notices, in consultation with their assigned civil county attorney.

The Chief Administrative Officer is responsible for maintaining this policy and may update the Trespass Appeal Procedure and the standard No-Trespass Notice Form annexes without requiring a full policy amendment. Department Heads and Chief Officers must ensure implementation and staff awareness of this policy.

References

- Mont. Code Ann. § 7-5-2101 – Authority of county commissioners
- Mont. Code Ann. § 7-8-2103 – Management of county buildings
- Mont. Code Ann. § 7-8-2111 – County equipment management
- Mont. Code Ann. § 45-6-203 – Criminal trespass
- Missoula County Trespass Appeal Procedure (Annex A)
- Standard No-Trespass Notice Form (Annex B)

Definitions

No-Trespass Notice – A written directive issued by an authorized county official prohibiting an individual from entering specified county property for a set duration.

Issuing Authority – Department Heads, Chief Officers, Elected Officials, or designees authorized to issue no-trespass notices.

Incident Report – A written summary documenting the conduct leading to a no-trespass notice, including witness statements, dates, times, and any available supporting evidence.

Policy

A. Authority to Issue

Authorized county officials may issue No-Trespass Notices to individuals whose conduct on county property threatens safety, security, or orderly operations, in consultation with the assigned civil county attorney.

B. Grounds for Issuance

- Threatening, harassing, or intimidating behavior toward employees or the public;
- Physical assault, battery, or imminent threats of harm;
- Vandalism or unauthorized use of county property;
- Disruption of county operations, meetings, or services;
- Trespassing into restricted county areas;
- Possession or use of weapons, controlled substances, or alcohol in violation of law or policy;
- Repeated rule violations following notice;
- Criminal conduct occurring on county property.

C. Duration

- No-Trespass Notices may be issued for up to one (1) year.
- Durations beyond one (1) year require written approval from the Chief Administrative Officer.
- Notices may be extended, but any total duration beyond one year requires CAO approval.
- Notices remain effective during any appeal.

D. Required Contents of a Notice

Every No-Trespass Notice must include:

- Individual's full name and contact information (if known);
- Description of conduct leading to the notice;
- Specific locations from which the individual is barred;

- Duration and effective dates;
- Name, title, and department of the issuing the no-trespass notice;
- Statement regarding criminal trespass consequences under Mont. Code Ann. § 46-6-203;
- Required appeal language as included in Annex A;
- A completed and attached Incident Report.

D.1 Temporary Verbal No-Trespass Directive

In situations where an individual's conduct presents an immediate threat to the safety, security, or orderly operation of county property, authorized personnel may issue a **verbal no trespass direction** requiring the individual to immediately leave the premises. A verbal direction is a temporary measure intended to address urgent circumstances and **does not replace the requirement for a written No-Trespass Notice**.

When a verbal no trespass direction is issued:

- The issuing department/authority must clearly communicate that the individual is being directed to leave county property and that a formal written No-Trespass Notice will follow.
- Law enforcement should be contacted when necessary to ensure compliance or safety.
- A written No-Trespass Notice meeting all requirements of Section D (above) must be completed, documented, and served **as soon as practicable**, and in all cases **within 24 hours** of the verbal direction, except where safety, staffing, or the ability to identify the individual reasonably prevents timely completion.
- The written notice shall specify the date and time the verbal direction was given and shall indicate that the verbal direction was issued due to immediate safety or operational concerns.

A verbal no trespass direction is enforceable only until the written notice is issued or until the incident concludes, whichever occurs first.

E. Law Enforcement or Security Notification

- Building security must be contacted immediately when a No-Trespass Notice is issued and law enforcement may be notified at the discretion of the issuing department after consultation with the County Attorney's office.
- The issuing department must document the date, time, and agencies notified.

F. Service and Record-Keeping

- Notices should be personally served when practicable or sent by certified mail if personal service is not possible.
- The Incident Report must be completed and attached to the notice.

- Issuing department/authorities must retain each notice, incident report, and service documentation for at least three years after expiration.

G. Appeal Process

Appeal procedures are set forth in Annex A.

H. Coordination with County Attorney

Departments are strongly encouraged to consult with their assigned civil county attorney prior to issuing a notice, and such consultation is required for notices exceeding six months or involving legally complex situations.

ANNEX A – MISSOULA COUNTY TRESPASS APPEAL PROCEDURE

Owner: Chief Administrative Officer

Applies to: All County Departments, Elected Officials, and Chief Officers

Related Policy: Missoula County Trespass Policy

1.0 Scope

Applies to any individual who has received a No-Trespass Notice issued under the Missoula County Trespass Policy. “No-Trespass Notice” means an official written notice prohibiting entry onto specified county property.

2.0 Purpose

To outline a fair process through which individuals may appeal a No-Trespass Notice and receive a timely decision.

3.0 Policy Statement

Missoula County is committed to due process for individuals subject to No-Trespass Notice notices. Appeals shall be heard by the Appeal Committee (Committee), which consists of the Chair of the Board of County Commissioners and the Chief Administrative Officer. Decision by the Committee are the final. No further appeals may be sought under this policy.

4.0 Appeal Procedure

- Appeals must be submitted in writing within 30 calendar days of receiving the notice and delivered or mailed to the Missoula County Chief Administrative Officer.
- Appeals must include reasons for appeal, supporting documents, contact information, and the date the notice was received.
- The Chief Administrative Officer will issue a written decision within 21 calendar days on behalf of the appeal Committee.
- The Committee may dismiss, affirm, or reduce the scope or duration of the notice but may not increase it.
- Written decisions will be provided to the individual and the issuing department.
- If the notice is not dismissed, the individual must comply with its terms.

4.1 Factors the Committee May Consider

- The severity and nature of the conduct leading to the notice;
- Whether the conduct posed a safety threat to the public or staff;
- The individual's history of similar conduct on county property;
- Whether the incident involved criminal activity;
- Evidence submitted by the issuing department, including the Incident Report;
- Evidence submitted by the individual;
- Whether the duration of the notice is reasonable given the circumstances.

- Impact to access to public services and/or available alternatives to receive public services

5.0 Responsible Parties

- Issuing department/authorities must ensure compliance with this procedure and include required appeal language in every notice.
- The CAO is responsible for processing appeals and maintaining appeal records.
- Civil county attorneys shall advise issuing department/authorities and the CAO as needed.

ANNEX B – STANDARD NO-TRESPASS NOTICE FORM

Owner: Chief Administrative Officer

This form must be used by all Missoula County departments when issuing a No-Trespass Notice.

NO-TRESPASS NOTICE FORM

Individual Name: _____

Address (if known): _____

Phone/Email (if known): _____

Issuing Department: _____

Issuing Department/Individual (Name & Title): _____

Date of Issuance: _____

Reason for Notice (summary of conduct):

Locations Covered by Notice:

Duration of Notice: From _____ to _____

Law Enforcement Notification:

Agency Notified: _____ Date/Time: _____

Attached Incident Report: ☐ Yes (required)

Appeal Rights:

Any ban from Missoula County property may be appealed in writing within 30 calendar days of receipt of this Notice. The written appeal must include all reasons the individual believes the ban should be overturned, supporting documents, and current contact information. Appeals must be delivered or mailed to:

Missoula County Chief Administrative Officer

200 W. Broadway

Missoula, MT 59802

Signature of Issuing Employee: _____

Date: _____

ANNEX C – INCIDENT REPORT TEMPLATE

Owner: Chief Administrative Officer

This form must be completed and attached to every No-Trespass Notice.

INCIDENT REPORT

Incident Date: _____

Incident Time: _____

Location of Incident: _____

Individual Involved (Name & Description):

Description of Incident (factual account; include behavior, statements, actions):

Witnesses (names & contact information, if known):

County Staff Involved:

Was Law Enforcement Contacted? ☐ Yes ☐ No

If yes:

Agency: _____

Officer Name/Badge: _____

Case/Call Number: _____

Time of Contact: _____

Supporting Evidence Collected (check all that apply):

☐ Photos ☐ Video ☐ Audio ☐ Written Statements ☐ Other: _____

Summary of Evidence:

Staff Member Completing Report: _____

Title/Department: _____

Signature: _____ **Date:** _____